UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:24-CV-00578-FDW-SCR

AYESHA EL-AMIN,)
Plaintiffs,))
v.	ORDER
BURGER KING RESTAURANT,)
Defendants.)))

THIS MATTER is before the Court on Plaintiff's Motion to Stay. (Doc. No. 21.) For the reasons set forth below, Defendant's Motion is GRANTED. Further, upon review of the record Defendant's pending Motion to Dismiss, (Doc. No. 12) is DENIED as MOOT.

On August 12, 2024, the undersigned granted Plaintiff's Motion to proceed in forma pauperis and dismissed some of her claims on initial review. (Doc. No. 6.) Thereafter, Defendant Burger King answered and filed a Motion to Dismiss. (Doc. No. 12.) Pursuant to Roseboro v. Garrison, this Court ordered Plaintiff to respond to the Motion to Dismiss no later than October 23, 2024. (Doc. No. 17.) On October 23, 2024, instead of responding to the Motion, Plaintiff amended her Complaint, (Doc. No. 22), opted in to the Court's Pro Se Settlement Assistance Program, (Doc. No. 19), and moved to stay the case, (Doc. No. 21.)

Consistent with PSAP, the Court will stay the case pending either resolution or impasse under the Program. Further, Plaintiff's amendment moots Defendant's Motion to Dismiss. <u>See Fawzy v. Wauquiez Boats SNC</u>, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case,

it renders the original complaint 'of no effect.'"); <u>Colin v. Marconi Commerce Systems</u> <u>Employees' Retirement Plan</u>, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) ("Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs' filing of the Second Amended Complaint.").

IT IS THEREFORE ORDERED that Plaintiff's Motion to Stay, (Doc. No. 21), is GRANTED and this case is STAYED pending either resolution or impasse through PSAP.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss, (Doc. No. 12), is DENIED as MOOT.

IT IS SO ORDERED.

Signed: November 14, 2024

Frank D. Whitney United States District Judge

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